

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>AQUILA, INC., d/b/a AQUILA NETWORKS | DOCKET NO. RFU-04-1<br>(INU-02-1) |
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**ORDER DOCKETING REFUND PLAN FOR FURTHER REVIEW**

(Issued July 20, 2004)

On June 28, 2004, Aquila, Inc., d/b/a Aquila Networks (Aquila), filed with the Utilities Board (Board) a refund plan for the return of \$1,132,801.90 received from interstate pipeline Northern Natural Gas Company (Northern). The refund was made to Aquila by Northern as the result of the Iowa Supreme Court decision affirming the Board's May 10, 2002, decision in Docket No. INU-02-1, In re: Northern Natural Gas Company and Peoples Natural Gas Company, Division of UtiliCorp United Inc., n/k/a Aquila, Inc., d/b/a Aquila Networks. Northern Natural Gas Company v. Iowa Utilities Board, 679 N.W.2d 629 (Iowa 2004). The refund plan has been identified as Docket No. RFU-04-1.

On July 12, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a conditional objection to the filing. Consumer Advocate indicates that it requires additional time to verify the actual sales and transportation volumes used in the proposed refund allocation and to determine whether Aquila's plan to make the refund to sales customers in the annual purchased

gas adjustment reconciliation is reasonable. Consumer Advocate states that it will inform the Board if it has any objection to the refund plan once its review is complete.

The Board will docket the reconciliation filing to allow Consumer Advocate additional time to review the proposed refund plan. The Board will not set a procedural schedule at this time since Consumer Advocate has not indicated that it has an objection to the plan. The Board will set a date by which Consumer Advocate shall inform the Board whether it has any objection.

**IT IS THEREFORE ORDERED:**

1. The refund plan filed on June 28, 2004, by Aquila, Inc., d/b/a Aquila Networks, and identified as Docket No. RFU-04-1 is docketed for further review.
2. The Consumer Advocate Division of the Department of Justice shall file any objection to the refund plan on or before July 30, 2004.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20<sup>th</sup> day of July, 2004.